

## PREVENTION: WHAT'S SCIENCE GOT TO DO WITH IT?

### CSAP's Northeast Center for the Application of Prevention Technologies

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#### Environmental Strategy 2: Enforcement

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If laws and regulations are to deter people and businesses from illegal behaviors, they must be accompanied by significant penalties and they must be enforced. Many more people would speed, for example, if speeding tickets cost only \$5 or if police didn't use radar guns. Instead, drivers who might otherwise speed are deterred by the possibility of being pulled over and receiving a big fine and license "points."

Many of the laws designed to reduce the problems of alcohol, tobacco, and other drug use are not enforced or are enforced only sporadically, including:

- minimum purchase ages for alcohol and tobacco
- DWI and zero tolerance laws
- laws against possession and sales of illicit drugs

Furthermore, in some states the penalties for breaking these laws are not severe enough. If a retail alcohol outlet makes \$400 a month from sales to minors but gets caught approximately once a year and fined \$1000, those sales are still profitable; the store may well choose to risk being caught. On the other hand, if the fines were increased to \$5000 or the likelihood of being caught increased to approximately once a month, the store would probably change its practice.

Just as the likelihood of being caught influences people's decisions to obey the law, so does their *perception* of the chances of being caught. For example, it has been estimated that the probability of a driver with a BAC of over 0.10 percent being arrested is between 1/1000 and 1/200; in other words, extremely low. Some people refrain from driving under the influence only for fear of being caught; if they actually knew the low probability, they might be more inclined to go ahead and drive. However, surveys show that driver perceptions of the likelihood of being caught are closer to 1/10.<sup>8</sup>

The notion of *perceived risk* as a deterrent to criminal behavior has led to a variety of initiatives designed to improve awareness of laws and law Enforcement. Examples include:

- highway postings that notify drivers of helicopter speed patrols
- empty police cars parked on the roadside to act as speed trap decoys
- highly visible roadside sobriety checkpoints
- billboards and public-service announcements that describe penalties for certain offenses

### **How People Can Get Involved**

As with Policy development, much of the burden of law Enforcement rests on the state. Yet pressure from constituents can encourage politicians and law Enforcement officials to crack down on these offenses. Here are some things you can encourage your law enforcement agencies to do:

- conduct sting operations that target merchants who sell alcohol and tobacco to minors
- establish well-publicized sobriety checkpoints on popular roads and outside bars
- set up surveillance of areas known for illegal drug sales
- increase building inspections and enforce regulations to force landlords to improve or demolish run-down buildings
- make use of civil and criminal “nuisance abatement” statutes, which require landlords to evict tenants involved in narcotics-related activities or risk personal prosecution

Law Enforcement officials, however, are not the only people who can help enforce laws designed to reduce access to alcohol, tobacco, and other drugs and the problems they cause. Individuals and community organizations can contribute by:

- conducting citizen patrols in neighborhoods known for illegal drug sales
- observing whether retail outlets are abiding by minimum age laws (e.g., do they check ID) and reporting those that do not
- organizing letter-writing campaigns to local and state politicians

### **Enforcement Illustration: Coalition Seeks to Raise Perceived Risk of Underage Drinking<sup>9</sup>**

Zero tolerance laws exist in every state and the District of Columbia.<sup>10</sup> These laws make it illegal for youth under the age of 21 to drive after consuming any alcohol at all (usually measured as a BAC of 0.02 percent). Under zero tolerance, police officers may require a

breath test from any driver under 21 who they suspect may have been drinking; the law does not require that the officer have probable cause to suspect actual impairment. Drivers who are found to have consumed alcohol may have their drivers license revoked or suspended.

Young drivers place a high value on their drivers license. The threat of losing it for three months would be a substantial deterrent for most young drivers. But many young people, unfamiliar with zero tolerance, do not know that they could lose their license for driving after consuming just one alcoholic beverage, even if they were pulled over for an unrelated offense. The Connecticut Coalition to Stop Underage Drinking recently joined forces with the state Department of Transportation to increase public awareness of two sets of laws: the zero tolerance laws passed in Connecticut in 1995 and related laws against providing minors with alcohol, for which parents or other adults can be fined up to \$1500 or go to jail for up to 18 months.<sup>11</sup> While these laws have been on the books for over three years, in the past they have not been strictly enforced.

The Coalition's campaign focuses much of its attention on outreach to local police departments, encouraging them to ambitiously enforce zero tolerance laws and laws that make it illegal to provide alcohol to minors.<sup>12</sup>

The Coalition has also produced a series of print ads for newspapers, posters for community organizations, an outdoor billboard message, and two public service messages to be played on the radio. It has submitted many articles about the campaign to local Connecticut newspapers. The ads and articles describe the laws and their penalties as well as the dangers of underage drinking and driving. The intention of this media barrage is to dramatically increase awareness of the laws. Studies show that zero tolerance laws are particularly effective in reducing underage drinking and driving when the laws have been amply publicized.<sup>13</sup>

According to the Coalition's project director, the campaign is looking to achieve several outcomes.<sup>14</sup> The most obvious is to increase compliance by raising awareness of the state's underage drinking laws. By calling attention to the dangers of drinking and driving, furthermore, the campaign hopes to increase public support for Enforcement of those laws. Police and other law Enforcement officials are more likely to arrest, convict, or revoke licenses if there is a clear public mandate to enforce youth drinking and driving laws.